

NOV 01 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	George Bradley Hobbs	Examiner:	Jean D. Janvier
Serial No.:	09/734,290	Group Art Unit:	3622
Filed:	December 11, 2000	Docket No.:	10003973-1
Title:	PRINT PROCESSING SYSTEM AND METHOD WITH INTERFACE ADVERTISING		

CERTIFICATE OF TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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1. Transmittal Letter for Appeal Brief (1 pg.); and
2. Appeal Brief under 37 C.F.R. (18 pgs.)

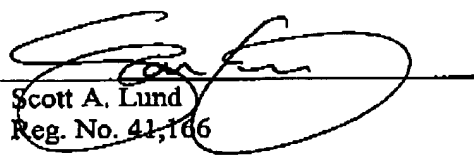
Respectfully submitted,

George Bradley Hobbs,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Date: Nov. 1, 2006
SAL:hsf

By:


Scott A. Lund
Reg. No. 41,166

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003973-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): George Bradley Hobbs

Confirmation No.: 3711

Application No.: 09/734,290

Examiner: Jean D. Janvier

Filing Date: December 11, 2000

Group Art Unit: 3622

Title: PRINT PROCESSING SYSTEM AND METHOD WITH INTERFACE ADVERTISING

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on August 18, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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Date of facsimile: November 1, 2006

Typed Name: Scott A. Lund

Signature: 

Respectfully submitted,

George Bradley Hobbs

By: 

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg No.: 41,166

Date: November 1, 2006

Telephone: (612) 573-2006

Rev 1005 (ApB/Brief)

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Appeal Brief is presented in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed October 3, 2006 and in support of the Notice of Appeal filed August 18, 2006, appealing the rejection of claims 1-26 and 29-34 of the above-identified application as set forth in the Office Action mailed May 18, 2006.

In the Notice of Panel Decision from Pre-Appeal Brief Review, the time period for filing the Appeal Brief was reset to one month from the mailing of the Notice of Panel Decision from Pre-Appeal Brief Review, or the balance of the two-month time period from the receipt of the Notice of Appeal, whichever is greater. Thus, in this instance, the time period for filing the Appeal Brief expires on November 3, 2006.

The U.S. Patent and Trademark Office is hereby authorized to charge **Deposit Account No. 08-2025** in the amount of **\$500.00** for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. § 41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1-26 and 29-34.

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REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-26 and 29-34 are pending in the application (see Claims Appendix), and are the subject of the present Appeal.

Claims 1-26 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta US Patent No. 6,891,635.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Office Action mailed May 18, 2006. The claims listed in the Claims Appendix, therefore, reflect the claims as of May 18, 2006.

SUMMARY OF THE CLAIMED SUBJECT MATTER

One aspect of the present invention, as claimed in independent claim 1, provides a method of processing a print job (12) of a customer (14) and directing advertising to the customer. The method includes defining a print processing system controller (28) having an advertisement (50) registered therewith; defining a network communication link (30) between the customer and the print processing system controller and communicating an interface (24) of the customer with the print processing system controller via the network communication link; processing a job ticket (38) for the print job with the print processing system controller; and presenting the advertisement to the customer via the network communication link when

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the print processing system controller processes the job ticket for the print job, including displaying the advertisement on the interface of the customer (see, e.g., Figs. 4-7; page 8, line 20 - page 14, line 27).

One aspect of the present invention, as claimed in independent claim 11, provides a method of processing a print job (12) of a customer (14) and directing advertising to the customer. The method includes defining a print processing system controller (28) having a plurality of advertisements (50) registered therewith; defining a network communication link (30) between the customer and the print processing system controller; communicating an interface (24) of the customer with the print processing system controller via the network communication link and transmitting a job ticket (38) for the print job to the print processing system controller via the interface; processing the job ticket for the print job with the print processing system controller and selecting at least one of the advertisements based on the job ticket; and presenting the at least one of the advertisements to the customer via the network communication link, including displaying the at least one of the advertisements on the interface of the customer (see, e.g., Figs. 4-7; page 8, line 20 - page 14, line 27).

One aspect of the present invention, as claimed in independent claim 21, provides a system for processing a print job (12) of a customer (14) and directing advertising to the customer. The system includes a print processing system controller (28) configured to have an advertisement (50) registered therewith; and a customer interface (24) configured to communicate with the print processing system controller to transmit a job ticket (38) for the print job to the print processing system controller, wherein the print processing system controller is adapted to process the job ticket for the print job and display the advertisement on the customer interface when processing the job ticket (see, e.g., Figs. 4-7; page 8, line 20 - page 14, line 27).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1-26 and 29-34 under 35 U.S.C. 103(a) as being unpatentable over Dutta US Patent No. 6,891,635.

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ARGUMENT

I. Rejections Under 35 U.S.C. §103

A. Applicable Law

Under 35 U.S.C. §103, the Examiner has the burden to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Three criteria must be satisfied to establish a *prima facie* case of obviousness. First, the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would teach, suggest, or motivate one to modify a reference or to combine the teachings of multiple references. *Id.* Second, the prior art can be modified or combined only so long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Third, the prior art reference or combined prior art references must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). These three criteria are also set forth in M.P.E.P §706.02(j). Even when obviousness is based on a single reference, there must be a showing of suggestion or motivation to modify the teachings of that reference. *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). In performing the obviousness inquiry under 35 U.S.C. §103, the Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990).

B. Rejection of claims 1-26 and 29-34 under 35 U.S.C. §103(a)

Because the rejection of claims 1-26 and 29-34 under 35 U.S.C. 103(a) as being unpatentable over Dutta US Patent No. 6,891,635 fails to establish a *prima facie* case of obviousness, the rejection of claims 1-26 and 29-34 is not correct and should be withdrawn.

Independent claim 1 includes "communicating an interface of the customer with the print processing system controller via the network communication link" and "presenting the advertisement to the customer via the network communication link when the print processing system controller processes the job ticket for the print job," wherein presenting the advertisement to the customer includes "displaying the advertisement on the interface of the customer."

Independent claim 11 includes "communicating an interface of the customer with the print processing system controller via the network communication link and

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transmitting a job ticket for the print job to the print processing system controller via the interface" and "presenting the at least one of the advertisements to the customer via the network communication link," wherein presenting the at least one of the advertisements to the customer includes "displaying the at least one of the advertisements on the interface of the customer."

Independent claim 21 includes "a customer interface configured to communicate with the print processing system controller to transmit a job ticket for the print job to the print processing system controller," wherein the print processing system controller is adapted to "process the job ticket for the print job and display the advertisement on the customer interface when processing the job ticket."

Independent claims 1, 11, and 21, therefore, each include displaying the advertisement on the customer interface.

The Examiner recognizes that the system of the Dutta patent relates to providing advertisements in web-based printing and, more particularly, relates to providing free or subsidized printing in exchange for advertising space on printed documents (see Office Action mailed May 18, 2006, page 4, para. 2). In addition, the Examiner recognizes that the system of the Dutta patent discloses a system where advertisements can be placed on printouts requested by users of remote printers wherein advertisers sign up to advertise to the general public or to particular groups of users such that when a user is traveling and needs to print a document on a remote printer (i.e., a hotel, airport, copy service printer, etc.), the user is asked for information about their occupation and other personal attributes whereby this information is used to select advertising that is appropriate to the user such that when the user requests to print out electronic documents, the selected advertisements are included in the printout (see Office Action mailed May 18, 2006, page 4, para. 3).

The Examiner also recognizes, however, that the Dutta patent does not disclose displaying the advertisement on the customer's interface (computer screen or display), while receiving or processing the print job, instead of printing the advertisement together with the customer's document (see Office Action mailed May 18, 2006, page 7, para. 2).

As such, the Examiner takes 'Official Notice' that "it is common practice in the art to display an advertisement on a user's computer screen while the user's computer is dialing into an ISP system in order to connect to the Internet or during an idle time period as the user is

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waiting for a requested information or page to be retrieved or down loaded from a web server related to a web site in return for the privilege to receive free or discounted Internet service from the ISP (Internet service Provider)," that "it is well known in the art to display advertisements to a user's computer screen while the user is waiting for requested information to be retrieved or downloaded from a server related to an accessed web site," and that "[i]t is also customary in the art to allow a user accessing the Internet via an ISP to first read product information or advertising literature before the user is able to access the web for a limited free period of time" (Office Action mailed May 18, 2006, page 8, para. 1).

Thus, the Examiner suggests that "an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above disclosure ('Official Notice') into the advertising distribution and printing system of Dutta so as to display a (targeted) advertisement on the screen of a computer's user upon receiving or while processing the user's print job instead of printing the advertisement along with the user's document associated with the print job..." (Office Action mailed May 18, 2006, page 8, para. 2). The Examiner contends that the motivation for doing so includes "efficiently using processing idle time by outputting the advertisement on the user's computer screen, while saving papers, ink and reducing processing time and, hence saving money, by not having to print the advertisement along with the document and while protecting the environment by using less papers and thus, cutting fewer trees, by displaying the advertisement on the user's computer screen (customer's interface)" (Office Action mailed May 18, 2006, page 9, para. 1).

Appellant submits, however, that the Dutta patent actually teaches away from displaying advertisements. For example, the Dutta patent recognizes that a challenge with Internet based advertisements or electronic forms of advertisement, such as banners on Internet web pages, is that "they only appear for a brief time to the user" and that "[o]ften when the user changes screens or visits another web page, they forget the information" such that "[i]f the user did not write the information down or store the advertiser information as a bookmark, they may not be able to remember how to contact the provider of the advertised goods or services" (col. 2, lines 60-67). Thus, by providing a system and method for providing free or subsidized printing in exchange for advertising space on printed documents, the Dutta patent seeks to provide an alternative to display-based advertising. Modifying the Dutta patent in the manner suggested by the Examiner to display the advertisement instead of

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print the advertisement, therefore, would simply return the system and method of the Dutta patent to the arrangement of the stated problem and result in the actual situation that the Dutta patent is trying to overcome. Appellant, therefore, submits that there is no suggestion or motivation to make the proposed modification.

In addition, Appellant submits that modifying the Dutta patent in the manner suggested by the Examiner, to display the advertisement instead of print the advertisement, would render the Dutta patent unsatisfactory for its intended purpose. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

For example, the Dutta patent relates to a system and method for providing advertisements in web-based printing and, more particularly, relates to a system and method for providing free or subsidized printing in exchange for advertising space on printed documents (see, e.g., Abstract; col. 1, lines 9-13; col. 2, lines 7-17; col. 5, lines 52-55; col. 6, lines 7-9). As such, the Dutta patent provides "a way to merge advertisers' objectives of identifying and targeting groups of users with users' need for printing documents" (emphasis added) (col. 2, lines 1-3).

Simply displaying the selected advertisement on an interface of the user, however, negates the advertiser's incentive for providing free or subsidized printing. For example, as outlined in the Dutta patent, displayed advertisements "only appear for a brief time to the user" such that "[o]ften when the user changes screens or visits another web page, they forget the information" (col. 1, lines 60-63). Thus, by providing free or subsidized printing in exchange for advertising space on printed documents, advertisers know the user at least has a printout containing the selected advertisement and, therefore, the advertiser information. Simply displaying the advertisement instead of printing the advertisement, however, is contrary to the advertisers' objectives of effective advertising and, therefore, contrary to the intended purpose of the Dutta patent. Appellant, therefore, submits that there is no suggestion or motivation to make the proposed modification.

In view of the above, Appellant submits that the Examiner has not established a *prima facie* case of obviousness of independent claims 1, 11, and 21, and submits that independent claims 1, 11, and 21 are each patentably distinct from the Dutta patent. Furthermore, as

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dependent claims 2-10 further define patentably distinct claim 1, dependent claims 12-20 further define patentably distinct claim 11, and dependent claims 22-26 and 29-34 further define patentably distinct claim 21, Appellant submits that these dependent claims are also patentably distinct from the Dutta patent. Appellant, therefore, respectfully submits that the rejection of claims 1-26 and 29-34 under 35 U.S.C. §103(a) is not correct and should be withdrawn, and submits that claims 1-26 and 29-34 should be allowed.

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Title: PRINT PROCESSING SYSTEM AND METHOD WITH INTERFACE ADVERTISING**CONCLUSION**

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Appeal Brief should be directed to either Larry D. Baker at Telephone No. (360) 212-0769, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

George Bradley Hobbs,

By,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2006
Facsimile: (612) 573-2005

Date: Nov. 1, 2006
SAL:hsf


Scott A. Lund
Reg. No. 41,166

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By 
Name: Scott A. Lund

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CLAIMS APPENDIX

1. (Previously Presented) A method of processing a print job of a customer and directing advertising to the customer, the method comprising:
 - defining a print processing system controller having an advertisement registered therewith;
 - defining a network communication link between the customer and the print processing system controller and communicating an interface of the customer with the print processing system controller via the network communication link;
 - processing a job ticket for the print job with the print processing system controller;
 - and
 - presenting the advertisement to the customer via the network communication link when the print processing system controller processes the job ticket for the print job, including displaying the advertisement on the interface of the customer.
2. (Previously Presented) The method of claim 1, wherein defining the network communication link includes defining an Internet communication link between the customer and the print processing system controller.
3. (Previously Presented) The method of claim 1, wherein the print processing system controller has a plurality of advertisements registered therewith, and wherein presenting the advertisement to the customer includes presenting at least one of the advertisements to the customer via the network communication link.
4. (Previously Presented) The method of claim 3, wherein processing the job ticket includes receiving a plurality of attributes for the print job at the print processing system controller via the network communication link, and further comprising:
 - selecting the at least one of the advertisements based on at least one of the attributes for the print job.

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5. (Original) The method of claim 4, wherein receiving the plurality of attributes for the print job includes receiving at least one of a file format, a number of copies, a print medium, a printing layout, a printing quality option, a color printing option, a finishing option, a delivery option, and a customer identification for the print job.
6. (Previously Presented) The method of claim 1, further comprising:
registering the advertisement with the print processing system controller.
7. (Previously Presented) The method of claim 6, wherein defining the network communication link includes defining the network communication link between at least one advertiser, the customer, and the print processing system controller, and wherein registering the advertisement includes registering at least one advertisement of the at least one advertiser with the print processing system controller via the network communication link.
8. (Previously Presented) The method of claim 6, wherein registering the advertisement includes storing the advertisement, and wherein presenting the advertisement includes retrieving the advertisement.
9. (Previously Presented) The method of claim 1, wherein processing the job ticket includes receiving the job ticket for the print job at the print processing system controller, and wherein presenting the advertisement includes presenting the advertisement to the customer via the network communication link when the print processing system controller receives the job ticket for the print job.
10. (Previously Presented) The method of claim 1, wherein processing the job ticket includes generating and submitting the job ticket for the print job to the print processing system controller, and wherein presenting the advertisement includes presenting the advertisement to the customer via the network communication link when the job ticket for the print job is generated.

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11. (Previously Presented) A method of processing a print job of a customer and directing advertising to the customer, the method comprising:
- defining a print processing system controller having a plurality of advertisements registered therewith;
 - defining a network communication link between the customer and the print processing system controller;
 - communicating an interface of the customer with the print processing system controller via the network communication link and transmitting a job ticket for the print job to the print processing system controller via the interface;
 - processing the job ticket for the print job with the print processing system controller and selecting at least one of the advertisements based on the job ticket; and
 - presenting the at least one of the advertisements to the customer via the network communication link, including displaying the at least one of the advertisements on the interface of the customer.
12. (Previously Presented) The method of claim 11, wherein defining the network communication link includes defining an Internet communication link between the customer and the print processing system controller.
13. (Previously Presented) The method of claim 11, wherein processing the job ticket and selecting the at least one of the advertisements includes receiving a plurality of attributes for the print job at the print processing system controller and selecting the at least one of the advertisements based on at least one of the attributes for the print job.
14. (Original) The method of claim 13, wherein receiving the plurality of attributes for the print job includes receiving at least one of a file format, a number of copies, a print medium, a printing layout, a printing quality option, a color printing option, a finishing option, a delivery option, and a customer identification for the print job.
15. (Previously Presented) The method of claim 11, further comprising:
- registering the advertisements with the print processing system controller.

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16. (Previously Presented) The method of claim 15, wherein defining the network communication link includes defining the network communication link between a plurality of advertisers, the customer, and the print processing system controller, and wherein registering the advertisements includes registering the advertisements with the print processing system controller via the network communication link.

17. (Previously Presented) The method of claim 15, wherein registering the advertisements includes storing the advertisements, and wherein presenting the at least one of the advertisements includes retrieving the at least one of the advertisements.

18. (Previously Presented) The method of claim 11, wherein presenting the at least one of the advertisements to the customer includes presenting the at least one of the advertisements to the customer via the network communication link when the print processing system controller processes the job ticket for the print job.

19. (Previously Presented) The method of claim 11, wherein processing the job ticket includes receiving the job ticket for the print job at the print processing system controller, and wherein presenting the at least one of the advertisements includes presenting the at least one of the advertisements to the customer via the network communication link when the print processing system controller receives the job ticket for the print job.

20. (Previously Presented) The method of claim 11, wherein processing the job ticket includes generating and submitting the job ticket for the print job to the print processing system controller, and wherein presenting the at least one of the advertisements includes presenting the at least one of the advertisements to the customer via the network communication link when the job ticket for the print job is generated.

21. (Previously Presented) A system for processing a print job of a customer and directing advertising to the customer, the system comprising:

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a print processing system controller configured to have an advertisement registered therewith; and

a customer interface configured to communicate with the print processing system controller to transmit a job ticket for the print job to the print processing system controller,

wherein the print processing system controller is adapted to process the job ticket for the print job and display the advertisement on the customer interface when processing the job ticket.

22. (Previously Presented) The system of claim 21, wherein the customer interface is configured to communicate with the print processing system controller via a network communication link.

23. (Original) The system of claim 22, wherein the network communication link is an Internet communication link.

24. (Previously Presented) The system of claim 21, wherein the print processing system controller is configured to have a plurality of advertisements registered therewith, and wherein the print processing system controller is adapted to display at least one of the advertisements on the customer interface.

25. (Original) The system of claim 24, wherein the print processing system controller is adapted to receive a plurality of attributes for the print job and select the at least one of the advertisements based on at least one of the attributes for the print job.

26. (Original) The system of claim 25, wherein the attributes for the print job include at least one of a file format, a number of copies, a print medium, a printing layout, a printing quality option, a color printing option, a finishing option, a delivery option, and a customer identification for the print job.

27. (Cancelled)

**Appeal Brief to the Board of Patent Appeals and Interferences
of the United States Patent and Trademark Office**

Appellant: George Bradley Hobbs

Serial No.: 09/734,290

Filed: December 11, 2000

Docket No.: 10003973-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH INTERFACE ADVERTISING

28. (Cancelled)

29. (Previously Presented) The system of claim 21, wherein the customer interface includes an advertisement field and at least one of a file format field, a number of copies field, a print medium field, a printing layout field, a printing quality option field, a color printing option field, a finishing option field, a delivery option field, and a customer identification field.

30. (Original) The system of claim 21, wherein the print processing system controller is configured to communicate with at least one advertiser via a network communication link, and wherein the print processing system controller is adapted to receive at least one advertisement from the at least one advertiser via the network communication link.

31. (Original) The system of claim 30, wherein the network communication link is an Internet communication link.

32. (Original) The system of claim 21, further comprising:
a print processing data storage system configured to communicate with the print processing system controller and store the advertisement therein.

33. (Previously Presented) The system of claim 21, wherein the print processing system controller is adapted to display the advertisement when the job ticket for the print job is generated.

34. (Previously Presented) The system of claim 21, wherein the print processing system controller is adapted to receive the job ticket for the print job and display the advertisement when the job ticket for the print job is received.

35-40. (Cancelled)

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.